

REMARKS

Claims 1, 10, 19, and 26 have been amended to clarify the subject matter regarded as the invention. Claims 1-6 and 8-27 remain pending.

The Examiner has rejected claims 1-6 and 8-27 under 35 U.S.C. § 103(a) as being unpatentable over Sitrick (U.S. Patent No. 6,425,825) and further in view of Ginter et al. (U.S. Patent No. 6,253,193).

The rejection is respectfully traversed. With respect to claim 1, the Examiner stated that Sitrick disclosed "...the claimed invention except for the receiving payment for encoding the content. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. See at least Col. 12, lines 40-62. Ginter'193 teaches that it is known to receive payment for encoding content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive payment for encoding the content as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment." (Paragraph 2, page 5, Office Action). However, amended claim 1 recites encoding content for conversion into vision-enabled content *included in an applet*, providing a *plug-in* program to decode the vision-enabled content, and determining, at a website (i.e., content publisher's website) whether vision-enabled content or standard content should be sent using the *applet* based on the *plug-in* program. Neither Sitrick nor Ginter et al. disclose the claimed invention.

Sitrick discloses that user image data is provided using storage cards. (Col. 31, lines 1-22). Alternatively a mail-in or walk-in service (e.g., a service bureau) may also be used to obtain

user image data, but the data is integrated with a game application, using a storage card, game apparatus, or game cartridge (Col. 25, line 65 to col. 26, line 16; col. 31, line 60 to col. 32, line 19; col. 32, lines 51-55). Data is transferred using a physical device, such as a storage card or game cartridge, not an *applet*. Further, a *plug-in* for receiving and decoding content is never disclosed by Sitrick, as recited in claim 1. Sitrick also never discloses determining whether vision-enabled content or standard content should be sent using the applet based on the plug-in. Likewise, Ginter et al. never discloses, teaches, or suggests an applet or plug-in as recited in claim 1. Applicant submits that claim 1 is in condition for allowance because neither reference, either in combination or alone, teaches or suggests the claimed invention.

Claims 2-6 and 8-9 depend from claim 1 and are believed to be allowable for the same reasons described above. Likewise, claims 10, 19, and 26 are amended similarly to claim 1 and in condition for allowance. Claims 11-18 depend from claim 10, claims 20-25 depend from claim 19, and claim 27 depends from claim 26. These claims are also in condition for allowance.

Reconsideration of the application, withdrawal of finality and entry of these amendments and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,



Scott S. Kokka
Registration No. 51,893
V 408-973-2596
F 408-973-2595

VAN PELT AND YI, LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014